

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kevor S. TenHuisen, et al.
Serial No. : Art Unit:
Filed : Examiner:
For : IMMUNE MODULATION DEVICE FOR USE IN ANIMALS

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(Date of Deposit)

William K. Wissing

(Name of applicant, assignee, or Registered Representative)



(Signature)

June 24 , 2003

(Date of Signature)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

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the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

☐ Statement in Accordance with §1.97(e) (attached); or

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the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of references listed on the attached Form 1449 were previously cited by or submitted to the Patent and Trademark Office in prior application S/N 10/103,087, filed March 21, 2002.

☒ There are no listed references which are not in the English language.

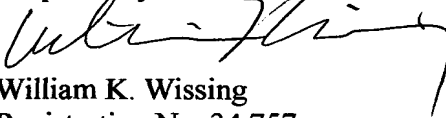
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☒ Listed on the attached Submission Under MPEP 609 D is the a non-published pending patent application which may be deemed relevant.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ORT1596DIV/WKW. This form is submitted in triplicate.

Respectfully submitted,



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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 5

Application Number**Filing Date****First Named Inventor**

Kevor S. TenHuisen, et al.

Group Art Unit**Examiner Name****Attorney Docket Number**

ORT1596DIV

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		4,919,929		Beck	4-24-1990	
		4,732,155		Zetter et al.	3-22-1988	
		4,314,561		Kaplan	2-09-1982	
		4,224,946		Kaplan	9-30-1980	
		5,102,419		Gertzman et al.	4-07-1992	
		5,147,382		Gertzman et al.	9-15-1992	
		4,564,013		Lilenfeld et al.	1-14-1986	
		4,052,550		Chion et al.	10-04-1977	
		5,269,807		Liu	12-14-1993	
		4,557,264		Hinsch	12-10-1985	
		4,520,822		Menezes et al.	6-04-1985	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		WO	93/17662	A1	DARA-TECH PTY. LTD.	9-16-1993		
		WO	99/44583	A2	APPLIED VACCINE TECHNOLOGIES CORP.	9-10-1999		
		EP	0 287 899	A2	AMERICAN CYANAMID COMPANY	10-26-1988		
		EP	0 448 840	A2	AMERICAN CYANAMID COMPANY	10-02-1991		
		EP	0 300 102	A1	THE STOLE RESEARCH AND DEVELOPMENT CORPORATION	1-25-1989		
		WO	85/03635	A1	UNIGENE LABORATORIES, INC.	8-29-1985		
Examiner Signature						Date Considered		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. ⁶ If possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 2 of 5

Application Number

Filing Date

First Named Inventor

Kevor S. TenHuisen, et al.

Group Art Unit

Examiner Name

Attorney Docket Number

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		Number	Kind Code ² (if known)			
		4,208,511		Shalaby et al.	6-17-1980	
		4,141,087		Shalaby et al.	2-27-1979	
		4,130,639		Shalaby et al.	12-19-1978	
		4,140,678		Shalaby et al.	2-20-1979	
		4,105,034		Shalaby et al.	8-08-1978	
		4,205,399		Shalaby et al.	6-03-1980	
		5,464,929		Bezwada et al.	11-07-1995	
		5,595,751		Bezwada et al.	1-21-1997	
		5,597,579		Bezwada et al.	1-28-1997	
		5,607,687		Bezwada et al.	3-04-1997	
		5,618,552		Bezwada et al.	4-08-1997	
		5,620,698		Bezwada et al.	4-15-1997	

FOREIGN PATENT DOCUMENTS

[illegible]

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Sheet 3 of 5

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		Number	Kind Code ² (if known)			
		4,700,704		Jamiolkowski et al.	10-20-1987	
		4,605,730		Shalaby et al.	8-12-1986	
		5,725,854		Selawry	3-10-1998	
		6,045,560		McKean et al.	4-04-2000	
		3,887,699		Yolles	6-03-1975	
		5,088,505		De Nijs	2-18-1992	
		5,431,679		Bennett et al.	7-11-1995	
		5,854,383		Ermeta et al.	12-29-1998	
		5,133,739		Bezwada et al.	7-28-1992	
		5,442,032		Arnold et al.	8-15-1995	
		5,703,200		Bezwada et al.	12-30-1997	
		4,052,988		Doddi et al.	10-11-1977	

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[illegible]

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<p>Substitute for form 1449A/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p> <p>Sheet 4 of 5</p>		<p><i>Application Number</i></p> <p><i>Filing Date</i></p> <p><i>First Named Inventor</i> Kevor S. TenHuisen, et al.</p> <p><i>Group Art Unit</i></p> <p><i>Examiner Name</i></p> <p><i>Attorney Docket Number</i> ORT1596DIV</p>
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		Number	Kind Code ² (if known)			
		5,645,850		Bezwada et al.	7-08-1997	
		5,648,088		Bezwada et al.	7-15-1997	
		5,698,213		Jamiołkowski et al.	12-16-1997	
		5,700,533		You	12-23-1997	
		5,859,150		Jamiołkowski et al.	1-12-1999	
		4,164,560		Folkman et al.	8-14-1979	
		5,542,594		McKean et al.	8-06-1996	
		5,795,584		Totalura et al.	8-18-1998	

FOREIGN PATENT DOCUMENTS

Foreign Patent Documents								
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		Office³	Number⁴	KindCode⁵				
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Sheet 5 of 5

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First Named Inventor

Kevor S. TenHuisen, et al.

Group Art Unit

Examiner Name

Attorney Docket Number

ORT1596DIV

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Vallera et al. (1982, Cancer Research 42:397-404)	
		Zangemeister-Wittke et al. (1989, J. Immunol. 143:379-385)	
		Journal of Biomaterials Research, Vol. 22, pages 993-1009, 1988 by Cohn and Younes	
		Artursson et al. "Biodegradable Microspheres II: Immune Response to a Heterologous and an Autologous Protein Entrapped in Polyacryl Starch Microparticles", The Journal of Pharmacology and Experimental Therapeutics, Vol. 234, No. 1, pgs 255-260	
		Ford-Hutchinson et al., "Assessment of Anti-inflammatory Activity By Sponge Implantation Techniques", 1978 Journal of Pharmacological Methods, Vol. 1, pgs. 3-7.	
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SUBMISSION UNDER MPEP 609 D Page 1 of 1	<i>Application Number</i>	
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	<i>Group Art Unit</i>	
	<i>Examiner Name</i>	
	<i>Attorney Docket Number</i>	ORT1596DIV

U.S. PATENT DOCUMENTS

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			Number	Kind Code ² (if known)	
		Cerami et al.	10/017,457		All

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			Office ³	Number ⁴	KindCode ⁵		

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Examiner Signature			Date Considered